

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

AGIS SOFTWARE DEVELOPMENT
LLC,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

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Case No. 2:19-cv-00361-JRG



JURY TRIAL DEMANDED

**DECLARATION OF BILL TRAC IN SUPPORT OF DEFENDANTS GOOGLE LLC'S
RE-FILED RULE 12(B)(3) MOTION TO DISMISS FOR IMPROPER VENUE**

I, Bill Trac, hereby declare as follows:

1. I am an attorney at the law firm of O'Melveny & Myers LLP, counsel for Defendant Google LLC in the above-entitled consolidated action. I have personal knowledge of the facts stated herein and if called to testify could and would competently testify thereto.

2. Attached as **Exhibit A** is a true and correct copy of excerpts from the deposition transcript of Jonathan Brunsman, dated October 27, 2020.

3. Attached as **Exhibit B** is a true and correct copy of excerpts from the deposition transcript of James Maccoun, dated October 23, 2020.

4. Attached as **Exhibit C** is a true and correct copy of the deposition transcript of Prem Pandian in *Dynamic Data Technologies, LLC v. Google LLC et al.*, No. 2:18-cv-466-RWS dated May 10, 2019 bearing Bates numbers GOOG-AGIS-00027236 through GOOG-AGIS-00027512.

5. Attached as **Exhibit D** is a true and correct copy of a document titled “Google Inbound Service Agreement”, dated August 15, 2017 bearing Bates numbers GOOG-AGIS-00027513 through GOOG-AGIS-000275451.

6. Attached as **Exhibit E** is a true and correct copy of “Statement of Work No. 463889 – Third Party Refurbishment Services in the US” between Google LLC and Communications Test Design, Inc. dated May 15, 2018, bearing Bates numbers GOOG-AGIS- 00027176 through GOOG-AGIS-00027231.

7. Attached as **Exhibit F** is a true and correct copy of an article “How Fiber Optics Work,” dated August 30, 2019.

8. Attached as **Exhibit G** is a true and correct copy of the deposition transcript of Lee Livingston in *Dynamic Data Technologies LLC v. Google LLC, et al.*, dated May 15, 2019.

9. Attached as **Exhibit H** is a true and correct copy of an Intercity and Metro IRU/Lease Agreement between Level 3 Communications, LLC and Google Inc. bearing Bates numbers GOOG-AGIS-00069790 to GOOG-AGIS-00069915.

10. Attached as **Exhibit I** is a true and correct copy of document produced by Google numbered GOOG-AGIS-00066723 - GOOG-AGIS-00066727 and contains a summary of PEGA - Repair and Maintenance, dated September 18, 2018.

I declare under penalty of perjury that the foregoing is true and correct. Executed in San Francisco, California on February 25, 2022.

/s/ Bill Trac

Bill Trac